

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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Intellectual Property Group

21. jan. 2005

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NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

18.01.2005

Applicant's or agent's file reference
P5242PC00

IMPORTANT NOTIFICATION

International application No.
PCT/IS 03/00033

International filing date (day/month/year)
30.10.2003

Priority date (day/month/year)
30.10.2002

Applicant
ECOPROCESS HF. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference P5242PC00		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IS 03/00033	International filing date (<i>day/month/year</i>) 30.10.2003	Priority date (<i>day/month/year</i>) 30.10.2002	
International Patent Classification (IPC) or both national classification and IPC B65F3/08			
Applicant ECOPROCESS HF. et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 1 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 01.06.2004		Date of completion of this report 18.01.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Balz, O Telephone No. +49 89 2399-7218 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IS 03/00033**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-6 as originally filed

Claims, Numbers

5-12 as originally filed

1-4 filed with telefax on 20.12.2004

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IS 03/00033

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1, 3, 4, 6-12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:
D1: PATENT ABSTRACTS OF JAPAN vol. 1995, no. 11, 26 December 1995 (1995-12-26) & JP 07 206104 A (SEKISUI CHEM CO LTD;OTHERS: 01), 8 August 1995 (1995-08-08)
D2: US-A-5 610 516 (MAIER HANS-JUERGEN) 11 March 1997 (1997-03-11)
D3: US-A-5 230 393 (MEZEY ARMAND G) 27 July 1993 (1993-07-27)
- 1a. The document GB421830 (D4) was not cited in the international search report. A copy of the document is appended hereto.
2. D1 discloses a refuse collecting apparatus (13) arranged on a refuse collection vehicle (1) for lifting and emptying a waste bin into a waste container (7) arranged on said refuse collection vehicle, said apparatus comprising:
a frame member (17) , a lifting and emptying mechanism(13),
a detecting means (67) for obtaining at least one information relating to said waste bin,
a mechanism (19, 107) for monitoring at least one characteristic property related to said lifting mechanism,
a control unit (71) or utilizing at least one information for determining at least one criteria for lifting said waste bin....
Thus the refuse collecting apparatus according claim 1 is not novel (Art. 33 (2) PCT).
The detection means consist of a signal processor reading the permissible weight from an ID tag (67) on the individual waste bin (see D1 paragraph 39, see also enclosed computerized translation of D1).
3. Using an electric motor instead of a hydraulic driven motor for the lifting mechanism is merely an alternative well known to the skilled person and e.g. disclosed by D4 (page, line 66-71).
Thus claim 2 is not implying an inventive step (Art. 33 (3) PCT).
It is obvious for the skilled person to measure as characteristic property of the electric motor the applied current and/or voltage instead of the oil pressure of a hydraulic driven motor as in D1 in order to determine the load of the lifting

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IS 03/00033

mechanism. Thus claim 5 is not implying an inventive step.

4. The technical features of dependent claims 3, 4, 6-12 are known from at least one of the documents D1-D4. Thus these claims are not implying an inventive step.
5. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

20-12-2004

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AMENDED CLAIMS

- 5
1. A refuse collecting apparatus arranged on a refuse collection vehicle (11) for lifting and emptying a waste bin (1) into a waste container arranged on said refuse collection vehicle, said apparatus comprising:
- a frame member (6) arranged on said refuse collecting vehicle,
 - a lifting and emptying mechanism (12,13) secured to said frame member comprising a gripping and supporting mechanism (2) for said waste bins,
 - a mechanism for monitoring at least one characteristic property related to said lifting mechanism,
- 10
- 15 the apparatus being characterized by having
- a detecting means (8) for obtaining at least one information (3) relating to said waste bin, and
 - a control unit (7) for utilizing said at least one information for determining at least one criteria for lifting said waste bin, whereby arranging said waste bin on said lifting mechanism said at least one characteristic property is determined and compared to said criteria and based thereon the lifting mechanism is activated or not activated.
- 20
- 25
2. A refuse collection apparatus according to claim 1, wherein said lifting mechanism is electrically motor driven.
- 30
3. A refuse collection apparatus according to claim 1 or 2, wherein said mechanism for determining said at least one characteristic property is a measuring device for measuring change in the load of said lifting mechanism.
- 35
4. A refuse collection apparatus according to claim 1, 2 or 3, wherein said measuring of change in loading being either measurement of applied force to said electrical motor or said gripping and supporting mechanism.